

Appl. No.: 10/842,005
Response dated January 24, 2006
Reply to Office Action of December 28, 2005



IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	HANYU, Naoto; KOBAYASHI, Koji;)	
	TAJIMA, Masahiro; ISHINO, Akihiro)	
)	
Serial No.:	10/509,246)	TC/A.U.: 1303
)	
Filed:	January 24, 2006)	Examiner: CHONG, Yong
)	Soo
Title:	PHENYLACETONITRILE)	Customer No.:
	DERIVATIVE, HAIR GROWTH)	
	PROMOTING COMPOSITION AND)	*23639*
	SKIN EXTERNAL PREPARATION)	<small>PATENT TRADEMARK OFFICE</small>
	USING THE SAME)	
)	
Docket No.:	IW7040532001)	
)	

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313
Mail Stop Non-Fee Amendment

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Sir:

In response to the Office Action dated December 28, 2005, Applicants hereby respond to the Restriction Requirement by electing Group I, Claims 1-5, and 8, drawn to a composition containing a compound of formula I, with traversal. Applicants respectfully request that the Examiner consider to withdraw the Restriction Order.

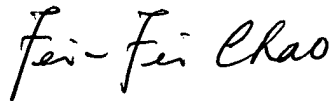
In response to the Election of Species requirement, Applicants hereby elect Example 21, which corresponds to the compound 2-(3', 4'-dimethoxyphenyl)-2-isopropyl-5-[N-methyl-N-(3-methylbutyl)amino]-pentanenitrile hydrochloride.

Additionally, a Preliminary Amendment is submitted accompanying Applicants' response to Election/Restriction requirement. The original claims 1-4 and 8 are cancelled. Claims 6-7 are withdrawn due to this restriction order. New claims 9-10 are added. Claim 9 corresponds to the original claim 1, except that Formula (I-2) is chosen to replace Formula I as in the original claim 1. Claim 10 corresponds to the original claim 4, except that Formula (I-2) is chosen to replace Formula I as in the original claim 4. As a result of the amendment, Example 21 reads on the the original claim5 and new claims 9-10.

Applicants would like to remind the Examiner that upon the allowance of the generic claim, Applicants are entitled to consideration of claims to other species which are written in dependent form or otehrwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

It is respectfully submitted that this application is now in condition for examination on the merits, and early action and allowance thereof is accordingly requested. Should there be any questions, the Examiner is requested to contact the undersigned attorney for further discussion.

Respectfully submitted,



Date: January 24, 2006

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